



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/676,910
		Filing Date	30 September 2003
		First Named Inventor	Lester F. Ludwig
		Art Unit	2837
		Examiner Name	Marlon T. Fletcher
Total Number of Pages in This Submission	05	Attorney Docket Number	2738-021

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Credit Card Payment Form;
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	2. Comment on Statement of Reasons for Allowance;
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	3. Return Postcard;
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	The Maxham Firm		
Signature			
Printed name	Jeffrey J. Lotspeich, Esq.		
Date	November 17, 2004	Reg. No.	45,737

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Jeffrey J. Lotspeich, Esq.	Date	November 17, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



"PATENT"

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
LESTER F. LUDWIG)
) Group No: 2837
SERIAL NO.: 10/676,910)
) Examiner: Marlon T. Fletcher
FILED: September 30, 2003)
)
FOR: EXTENSIONS AND GENERALIZATIONS)
OF THE PEDAL STEEL GUITAR)

COMMENT ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant has the following brief comments concerning the Examiner's Statement of
Reasons for Allowance.

Remarks

First of all, there are both method and apparatus claims in this application. To the extent that the Examiner's Statement might be construed as implying that the claimed method could only be practiced using the apparatus components with the characteristics as set forth in the Statement, Applicant would respectfully disagree. Each claim stands on its own; attributes of apparatus claims should not be imputed to method claims, and vice versa.

Applicant next asserts that the Examiner's Statement presents the claimed invention in terms which are neither reproduced, *verbatim*, from the claims, nor consistent with the language cited in the claims. Applicant respectfully submits that the claims are patentable for, and should be construed in accordance with, their respective recitation. To the extent that the language employed in the Examiner's Statement is not a direct quotation from the claims, Applicant submits that the Statement should not be construed in any limiting sense with respect to the scope of the terms used in the claims themselves.

Applicant acknowledges the other references made of record and not relied upon. A number of these references are Applicant's own patent applications and issued patents. However, there is nothing of sufficient relevance to require detailed discussion.

Applicant also recognizes that the effect of the Examiner's Amendment to claims 1 and 44, which was presented in the Notice of Allowability dated August 27, 2004, no longer applies in view of the Supplemental Examiner's Amendment presented in the Supplemental Notice of Allowability dated November 12, 2004, which again amends claim 1 and 44 so that these claims recite the originally filed claim language.

Applicant further recognizes that the Examiner's initial refusal to enter Applicant's IDS has been withdrawn, and the various references cited in the IDS have indeed been considered by the Examiner, as indicated in the Corrected Notice of Allowance dated November 4, 2004.

Lastly, Applicant and the undersigned thank the Examiner for his time in discussing the issues surrounding the various Examiner's amendments and the acknowledgement of the references cited in the IDS.

Respectfully submitted,

LESTER F. LUDWIG



By: Jeffrey J. Lotspeich
Attorney for Applicant
Registration No. 45,737

THE MAXHAM FIRM
750 'B' STREET, SUITE 3100
SAN DIEGO, CALIFORNIA 92101
TELEPHONE: (619) 233-9004
FACSIMILE: (619) 544-1246